

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

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Human Rights Defense Center,  
Plaintiff  
v.  
Board of County Commissioners for Strafford  
County, NH, Raymond F. Bower,  
County Administrator, Christopher  
Brackett, Superintendent  
and  
John and Jane Does 1-20, Staff  
Defendants  
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C.A. #1:22-CV-91-LM

**ANSWER TO COMPLAINT AND DEMAND FOR JURY TRIAL**

The Defendants, Board of County Commissioners for Strafford County, NH, Raymond F. Bower, County Administrator and Christopher Brackett, Superintendent (hereinafter collectively referred to as “Strafford Defendants”) Answer Plaintiff’s Complaint as set forth below and request a jury trial in this matter.

1. To the extent that paragraph one of the Complaint makes any allegations requiring a response, those allegations are denied.
2. To the extent that paragraph two of the Complaint makes any allegations requiring a response, those allegations are denied.
3. To the extent that paragraph three of the Complaint makes any allegations requiring a response, those allegations are denied.

4. To the extent that paragraph four of the Complaint makes any allegations requiring a response, those allegations are denied.

5. To the extent that paragraph five of the Complaint makes any allegations requiring a response, those allegations are denied.

6. To the extent that paragraph six of the Complaint makes any allegations requiring a response, those allegations are denied.

7. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seven of the Complaint.

8. Strafford Defendants admit the allegations in paragraph eight of the Complaint insofar as it alleges the scope of the County Commissioner's responsibilities. Any other allegations are denied.

9. Strafford Defendants admit the allegations in paragraph nine of the Complaint insofar as it alleges the scope of Mr. Bower's responsibilities. Any other allegations are denied.

10. Strafford Defendants admit the allegations in paragraph ten of the Complaint insofar as it alleges the scope of Mr. Brackett's responsibilities. Any other allegations are denied.

11. To the extent that paragraph eleven of the Complaint makes any allegations requiring a response, those allegations are denied.

12. To the extent that paragraph twelve of the Complaint makes any allegations requiring a response, those allegations are denied.

13. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph thirteen of the Complaint.

14. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fourteen of the Complaint.

15. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifteen of the Complaint.

16. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixteen of the Complaint.

17. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventeen of the Complaint.

18. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph eighteen of the Complaint.

19. Strafford Defendants admit the allegations in paragraph nineteen of the Complaint.

20. Strafford Defendants admit the allegations in paragraph twenty of the Complaint.

21. Strafford Defendants admit the allegations in the first sentence of paragraph eight of the Complaint. All other allegations are denied.

22. Strafford Defendants admit the allegations in paragraph twenty-two of the Complaint only insofar as the investigation confirmed that one staff member was found guilty of bringing contraband into the DOC. All other allegations are denied.

23. Strafford Defendants denies the allegations in paragraph twenty-two of the Complaint. By way of further answer, Defendants state that most “paper” books have been removed from the law library and have been replaced with a digital law library.

24. Strafford Defendants admit the allegations in paragraph twenty-four of the Complaint. By way of further answer, Defendants state that its inmates have access to spiritual and religious reading materials.

25. Strafford Defendants deny the allegations in paragraph twenty-five of the Complaint. By way of further answer, Defendants state that its inmates have access to correspondence course work.

26. Strafford Defendants admit the allegations in paragraph twenty-six of the Complaint.

27. Strafford Defendants admit the allegations in paragraph twenty-seven of the Complaint.

28. Strafford Defendants admit the allegations in paragraph twenty-eight of the Complaint.

29. Strafford Defendants admit the allegations in paragraph twenty-nine of the Complaint insofar as it states the Defendants' initial notice to senders of paper mail. All other allegations are denied.

30. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph thirty of the Complaint.

31. Strafford Defendants admit the allegations in paragraph thirty-one of the Complaint insofar as it states the public comments made by Superintendent Brackett. All other allegations are denied.

32. Strafford Defendants deny the allegations in paragraph thirty-two of the Complaint. By way of further answer, in prior to June of 2017 the Defendants considered adopting a "mail" policy change in the future, but it was accelerated due to the overdose incident.

33. Strafford Defendants admit the allegations in paragraph thirty-three of the Complaint insofar as it quotes the public comments made by its staff. All other allegations are denied.

34. Strafford Defendants admit the allegations in paragraph thirty-four of the Complaint insofar as it quotes the public comments made Superintendent Brackett. All other allegations are denied.

35. Strafford Defendants deny the allegations in paragraph thirty-five of the Complaint.

36. Strafford Defendants admit the allegations in paragraph thirty-six of the Complaint

37. Strafford Defendants admit the allegations in paragraph thirty-seven of the Complaint.

38. Strafford Defendants admit the allegations in paragraph thirty-eight of the Complaint.

39. Strafford Defendants deny the allegations in paragraph thirty-nine of the Complaint.

40. To the extent that paragraph forty of the Complaint makes any allegations requiring a response, those allegations are denied.

41. To the extent that paragraph forty-one of the Complaint makes any allegations requiring a response, those allegations are denied.

42. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-two of the Complaint.

43. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-three of the Complaint.

44. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-four of the Complaint.

45. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-five of the Complaint.

46. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-six of the Complaint.

47. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-seven of the Complaint.

48. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-eight of the Complaint.

49. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph forty-nine of the Complaint.

50. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty of the Complaint.

51. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-one of the Complaint.

52. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-two of the Complaint.

53. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-three of the Complaint.

54. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-four of the Complaint.

55. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-five of the Complaint.

56. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-six of the Complaint.

57. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-seven of the Complaint.

58. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-eight of the Complaint.

59. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph fifty-nine of the Complaint.

60. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty of the Complaint.

61. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-one of the Complaint.

62. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-two of the Complaint.

63. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-three of the Complaint.

64. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-four of the Complaint.

65. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-five of the Complaint.

66. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-six of the Complaint.

67. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-seven of the Complaint.

68. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-eight of the Complaint.

69. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph sixty-nine of the Complaint.

70. To the extent that paragraph seventy of the Complaint makes any allegations requiring a response, those allegations are denied.

71. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-one of the Complaint.

72. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-two of the Complaint.

73. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-three of the Complaint.

74. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-four of the Complaint.

75. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-five of the Complaint.

76. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-six of the Complaint.

77. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-seven of the Complaint.



78. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-eight of the Complaint.

79. Strafford Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph seventy-nine of the Complaint.

80. Strafford Defendants admit the allegations contained in paragraph eighty of the Complaint.

81. To the extent that paragraph eighty-one of the Complaint makes any allegations requiring a response, those allegations are denied.

82. To the extent that paragraph eighty-two of the Complaint makes any allegations requiring a response, those allegations are denied.

83. To the extent that paragraph eighty-three of the Complaint makes any allegations requiring a response, those allegations are denied.

84. To the extent that paragraph eighty-four of the Complaint makes any allegations requiring a response, those allegations are denied.

85. To the extent that paragraph eighty-five of the Complaint makes any allegations requiring a response, those allegations are denied.

86. To the extent that paragraph eighty-six of the Complaint makes any allegations requiring a response, those allegations are denied.

87. To the extent that paragraph eighty-seven of the Complaint makes any allegations requiring a response, those allegations are denied.

88. To the extent that paragraph eighty-eight of the Complaint makes any allegations requiring a response, those allegations are denied.

89. To the extent that paragraph eighty-nine of the Complaint makes any allegations requiring a response, those allegations are denied.

90. To the extent that paragraph ninety of the Complaint makes any allegations requiring a response, those allegations are denied.

91. To the extent that paragraph ninety-one of the Complaint makes any allegations requiring a response, those allegations are denied.

92. To the extent that paragraph ninety-two of the Complaint makes any allegations requiring a response, those allegations are denied.

93. To the extent that paragraph ninety-three of the Complaint makes any allegations requiring a response, those allegations are denied.

94. To the extent that paragraph ninety-four of the Complaint makes any allegations requiring a response, those allegations are denied.

95. To the extent that paragraph ninety-five of the Complaint makes any allegations requiring a response, those allegations are denied.

96. To the extent that paragraph ninety-six of the Complaint makes any allegations requiring a response, those allegations are denied.

97. To the extent that paragraph ninety-seven of the Complaint makes any allegations requiring a response, those allegations are denied.

98. To the extent that paragraph ninety-eight of the Complaint makes any allegations requiring a response, those allegations are denied.

99. To the extent that paragraph ninety-nine of the Complaint makes any allegations requiring a response, those allegations are denied.

100. To the extent that paragraph one hundred of the Complaint makes any allegations requiring a response, those allegations are denied.

101. To the extent that paragraph one hundred-one of the Complaint makes any allegations requiring a response, those allegations are denied.

102. To the extent that paragraph one hundred-two of the Complaint makes any allegations requiring a response, those allegations are denied.

103. To the extent that paragraph one hundred-three of the Complaint makes any allegations requiring a response, those allegations are denied.

104. To the extent that paragraph one hundred-four of the Complaint makes any allegations requiring a response, those allegations are denied.

105. To the extent that paragraph one hundred-five of the Complaint makes any allegations requiring a response, those allegations are denied.

106. To the extent that paragraph one hundred-six of the Complaint makes any allegations requiring a response, those allegations are denied.

107. To the extent that paragraph one hundred-seven of the Complaint makes any allegations requiring a response, those allegations are denied.

108. To the extent that paragraph one hundred-eight of the Complaint makes any allegations requiring a response, those allegations are denied.

109. To the extent that paragraph one hundred-nine of the Complaint makes any allegations requiring a response, those allegations are denied.

110. To the extent that paragraph one hundred-ten of the Complaint makes any allegations requiring a response, those allegations are denied.

### **AFFIRMATIVE DEFENSES**

- A. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.
- B. To the extent that Plaintiff's Complaint makes claims of liability or seeks damages for conduct of Defendants that occurred more than 3 years before the filing of this suit, those claims are time-barred.
- C. Defendants are entitled to immunity for any actions about which Plaintiff complains including, but not limited to, absolute, qualified and/or good faith immunity, official immunity or immunities or limitations as set forth in any other law.<sup>1</sup>
- D. Defendant are entitled to discretionary function immunity and/or official immunity for any state law claims, to the extent that such claims have been or may be pleaded, in addition to any other immunities plead above.
- E. Defendants did not cause the damages alleged by Plaintiff, to the extent that any damages are alleged.
- F. Defendants did not act intentionally, recklessly, negligently, or with deliberate indifference, malicious intent, or callous disregard toward Plaintiff or Plaintiff's constitutional rights, or any other rights, or with any state of mind which supports any of Plaintiff's claims.
- G. Plaintiff's actions constitute unclean hands, barring recovery.

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<sup>1</sup> Defendant notes that the Court has not found any state law claims, but raises all defense to claims whether state or federal, including but not limited to the immunities provided under RSA 507-B.

- H. Plaintiff has failed to mitigate its damages, to the extent that damages were sustained.
- I. Defendants reserve the right to amend its Answer to state additional defenses that become applicable as discovery proceeds.

Board of County Commissioners for Strafford County NH and Raymond Bower  
By its Attorneys,  
Friedman Feeney, PLLC

/s/ Christine Friedman, NH Bar No. 8780  
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603-736-7683

Dated: July 18, 2022

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Answer was served on all counsel of record on this date and in the manner specified herein: Electronically Served through ECF

/S/ Christine Friedman  
Christine Friedman

Dated: July 18, 2022